



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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February 18, 2016

AutoZone Parts, Inc.
c/o Jeff Berneburg
8851 Kind Drive
Pittsburgh, PA 15237

**RE: CU16-02, V16-03 & V16-04 / AutoZone Parts, Inc. / 824 Monongahela Blvd.
Tax Map 15, Parcel 157**

Dear Mr. Berneburg:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced conditional use and variance petitions relating to the proposed development at 824 Monongahela Blvd. The decisions are as follows:

Board of Zoning Appeals, February 17, 2016:

CU16-02 – Automotive Supply

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU16-02 for an “Automotive Supply” as requested without conditions.

V16-03 – Front Setbacks

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted the following variance relief under Case No. V16-03 from the minimum front setback standard [Article 1347.04] with condition that side and rear setback standards must be observed for the development.

V16-04 – Parking Lot Landscape Requirements

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted the following variance relief under Case No. V16-04 from the use of landscape areas in the parking lot [Article 1367.08] with the condition parking lot landscape requirements variance be granted with the condition that landscaping occur only to the degree that the minimum parking requirement can still be met.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

A handwritten signature in cursive script, appearing to read "Stacy Hollar".

Stacy Hollar
Executive Secretary

ADDENDUM A

Approved Findings of Fact

Case No. CU16-02 Automotive Supply

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

The site redevelopment for the AutoZone Store will involve the demolition of all existing structures on site. Site access to Monongahela Boulevard will be improved by closing the Two (2) existing driveways and Constructing one (1) new 30' – 0" wide full access driveway to Monongahela Boulevard per WV. D.O.T. requirements. This new driveway & site layout will improve on site vehicle circulation & provide better highway access to Monongahela Boulevard for the new AutoZone Store.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The site for AutoZone will have only one (1) 6,816 – Sq. Ft. single story masonry structure for the retail sale of Auto Parts. Parking will be provided for 26 new parking spaces and no on-site work on vehicles will be provided by AutoZone.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

AutoZone will be providing two (2) on-site lot light poles as noted on the Site Photometric Lighting Plan Sheet PH1.0. Lot lighting will be directional on site lighting that is timer controlled to turn off outside lot Lighting within approximately one hour after store closing hours.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

One single-story AutoZone Store structure, 6,816 Sq. Ft. is proposed along with providing 26 parking spaces as required with a 14' X 60' loading area located to the northern side of the building and associated site/landscaping improvements. More green space is provided than what currently exists is on-site.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

The proposed AutoZone Store will not generate any undue congestion of population for the retail sales of auto parts. AutoZone will provide new employment opportunities on an average of 12-15 new employee positions for the AutoZone store.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The granting of this request will not create any inadequate provisions of transportation, water, sewage, schools, parks or other public requirements in that AutoZone is improving access to the site with the removal of the two existing driveways and providing a new driveway access to Monongahela Boulevard to improve customer access and site circulation.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

The existing two structures and fuel canopy from the gas service island will be demolished and disposed of per applicable disposal requirements. The site will be cleared of all remaining existing improvements, thus improving the value of the site.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

With the site redevelopment project that AutoZone is proposing it will offer significant improvements to the value of the property and improve the general safety concerning customer access on and off of the site via the new driveway improvements as well as improving the sidewalks along Monongahela Boulevard fronting the property.

Case No. V16-03 Front Setbacks

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The variance being requested from the minimum building setback requirements from Monongahela Boulevard is due to the steep grading to the Northern side of this property. The grading proposed from the northern AutoZone Store parking lot area to the northern property line has an approximately elevation difference of 21 feet. Retaining walls are proposed with this site redevelopment project to get the building moved as far back as possible to meet the intent of this setback requirement.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The existing grading prohibits the building to be moved any further to the north to avoid any further encroachment into the building setback line as provided.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

With the granting of this variance it will permit the proposed use of the property to be redeveloped with minimal encroachment that will keep within in the reasonable use of the neighborhood.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This variance if granted will allow the intent of the ordinance to be observed and will not have any adverse impact to the property or neighboring properties.

Case No. V16-04 Parking lot landscape requirements

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

Clear and obstructed internal truck circulation is needed for the weekly delivery of merchandise for the AutoZone delivery truck. Providing the Terminal Islands within the parking lot areas will prohibit the unobstructed circulation needed for the AutoZone's delivery truck. Variance relief is being requested to not provide the required Interior Landscape Areas and Terminal Islands in an effort to provide clear and obstructed circulation. To permit the travel circulation within the parking lot area that is needed for the delivery truck the request

for these variances are requested. The variance relief being requested will not have any impact to the general public health, safety or welfare of the adjacent property owners will not be impacted.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

Due to the irregular shape of the property it creates a narrow site to the west that restricts a full developed area as is available to the eastern side of the property, thus creating the need for these variances being requested.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The granting of the landscape variances being requested will permit the unobstructed truck travel on-site for the weekly delivery and restocking of merchandise.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The variances being requested will allow the intent of the ordinance be observed with the amount of green space being provided that is currently not provided with existing site conditions.

Case No. V15-60 Landscape Buffer Standards

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed buffer is in character with, and allow for aesthetically pleasing use of materials similar to, surrounding properties.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The relatively small, angled, corner, sloping lot appears to restrict the development of adequate parking, landscaping, and internal driveway width without reducing the buffer and efficiently utilizing the front setback. Most of the surrounding parcels are larger and regularly-shaped to accommodate B-2, R-3, and WVU developments, facilities, and amenities. This property is unique in that it is zoned B-1 and on a relatively small and angled corner lot but, at the same time, can provide a positive amenity for surrounding properties.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The proposed buffer is consistent with surrounding properties and will permit use of a relatively small, angled corner, sloping lot that is zone B-1 to provide a positive amenity for the surrounding R-3, B-2, and WVU uses.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed buffer is consistent with surrounding properties, being at the rear of a building and parcel, it will permit a relatively small, angled, sloping, corner lot that is zoned B-1 to include additional parking and also sufficient drive lanes, landscaping, visibility, sidewalk, and similar positive attributes.

Case No. V15-59 Dumpster Enclosure Location

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed dumpster location is in character with, and allow for aesthetically pleasing use of materials similar to, surrounding properties.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The relatively small, angled, corner, sloping lot appears to restrict the development of adequate parking, landscaping, and internal driveway width without locating the dumpster to the immediately adjoining parcel at the rear of the building. Most of the surrounding parcels are larger and regularly-shaped to accommodate B-2, R-3, and WVU developments, facilities, and amenities. This property is unique in that it is zoned B-1 and on a relatively small and angled corner lot but, at the same time, can provide a positive amenity for surrounding properties.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The proposed dumpster location is consistent with surrounding properties and will permit use of a relatively small, angled corner, sloping lot that is zone B-1 to provide a positive amenity for the surrounding R-3, B-2, and WVU uses.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed dumpster location is consistent with surrounding properties, being at the rear of a building and parcel, it will permit a relatively small, angled, sloping, corner lot that is zoned B-1 to include additional parking and also sufficient drive lanes, landscaping, visibility, sidewalk, and similar positive attributes.

Case No. V15-57 Cladding and Window Materials

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed cladding, window materials, and fenestration ratio standards are in character with, and allow for aesthetically pleasing use of materials similar to, surrounding properties.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The relatively small, angled, corner, sloping lot limits development to certain types of structures but allows for quality design and use of materials. Many of the surrounding properties include buildings with similar uses/applications of materials. Most of the surrounding parcels are larger and regularly-shaped to accommodate B-2, R-3, and WVU developments, facilities, and amenities. This property is unique in that it is zoned B-1 and on a relatively small and angled corner lot but, at the same time, can provide a positive amenity for surrounding properties.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The proposed cladding, window materials, and fenestration ratio standards are consistent with surrounding properties and will permit use of a relatively small, angled corner, sloping lot that is zone B-1 to provide a positive amenity for the surrounding R-3, B-2, and WVU uses.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed cladding, window materials, and fenestration ratio standards are consistent with surrounding properties and will permit the use of high quality durable materials in an efficient and aesthetically pleasing manner on a relatively small, angled, sloping, corner lot that is zoned B-1.